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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,198	08/02/2005	Rogier Louis Jacques Willem Thissen	NL 030132	8391
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EXAMINER				
SAINT CYR, JEAN D				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/544,198

Applicant(s)

THISSEN ET AL.

Examiner

Jean D. Saintcyr

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

1. Claims 1-9, filed 08/02/2005, are presented for examination.

REMARK

The use of reference characters (p1, p2, p3) , (s11, s12, ... s1i, s21, s22, s2i, s31,s32,...s3i), ({p1,s11,s12,...s1i},{p2,s21,s22,...s2i}, {p3,s31,s32,s3i,...}), in claims 1 and 3, is to be considered as having no effect on the scope of the claims(MPEP, 608.01(m)).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 9 is rejected under 35 U. S. C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 9 is directed to a computer program operative to parse EPG data that is neither a process("action"), machine, manufacture nor composition of matter(i.e., a tangible"thing") and therefore does not fall within one of the four statutory categories of § 101.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al in view of Kim et al, US No. 20050210145.

Re claim 1, Schein et al disclose a method(method for displaying schedule information on a visual interface, such as a television screen, 0008) of coding(program code , 0056) and/or transmitting EPG data(program guide data is transmitted, 0061; transmission of an EPG in a digital satellite system, 0028) , the data(program guide data , 0054) comprising respective ones of multiple program records(multitude of programs , 0003) identifying a respective one(Each show title is identified by a unique 20-bit show identification number, 0080) of multiple programs(multitude of programs , 0003) and specific ones(selected ones of the outputs and displays the received program, 0052) of a plurality(many shows are broadcast by multiple channels, 0081) of schedule(schedule information for a particular time , 0084) records identifying one or more specific scheduled broadcast times(on various channels at various times, 0006) of the respective programs(The viewer may scroll through the cells to view which television programs are being presented on various channels at various times. In addition, the viewer may select certain cells to obtain more information on the associated program or to pull up other submenus with additional options, 0006), characterized (controller operates in the character mode, 0065) in that the program records (p1, p2, p3) and the schedule records (schedule data structures and theme data structures linked by handles and handle tables. Each handle is an index to a handle table which contains pointers to blocks of memory where items of the database are stored, 0060) (s1i, s12, ... s1i, s21, s22, s2i, s31,s32,...s3i) are coded (store program code , 0056; schedule information is transmitted as a set of short commands of specified formats, 0057, that means coding).

But Schein et al fail to disclose and/or transmitted in an interleaved manner.

In an analogous art, Kim et al and/or transmitted in an interleaved manner(audio, video, textual data, and possibly other data are interleaved into a single stream, 0051).

In view of the teaching of Kim, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to introduce interleaved manner into the system of Schein, as taught by Kim, for the benefit of combining different files formats.

Re claim 2, Schein et al disclose program records (program data storage, 0069) and schedule records (schedule information, 0008) are sorted (to assist the viewer in sorting, 0006) on a time basis (a period of time, e.g., a day, week or longer, 0039, that means a time basis).

But fail to disclose "characterized in that the interleaved".

In an analogous art, Kim et al disclose characterized (characterization of the source information, 0050) interleaved (audio, video, textual data, and possibly other data are interleaved into a single stream, 0051).

In view of the teaching of Kim, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to introduce interleaved manner into the system of Schein, as taught by Kim, for the benefit of combining different files formats.

Re claim 3, Schein et al disclose characterized in that schedule records refer to program records that are ahead in the coding scheme(the schedule information is transmitted as a set of short commands of specified formats, 0057) ($\{p1, s11, s12, \dots, s1i\}, \{p2, s21, s22, \dots, s2i\}, \{p3, s31, s32, s3i, \dots\}$).

Re claim 4, Schein et al disclose program records and schedule records(schedule information for a particular time , 0084) are coded(store program code , 0056) in a section, which is separate and ahead in the coding scheme(specified formats, 0057) from other sections comprising information relating to the programs(program related information, 0053).

But fail to disclose characterized in that the interleaved.

In an analogous art, Kim et al disclose characterized interleaved (audio, video, textual data, and possibly other data are interleaved into a single stream, 0051).

In view of the teaching of Kim, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to introduce interleaved manner into the system of Schein, as taught by Kim, for the benefit of combining different files formats.

Re claim 5, characterized in that the section, which comprises interleaved program records(program data storage, 0069) and schedule records(schedule information , 0008), is preceded by a section(schedule information area and/or obtain more information about programs, 0008) comprising general information(ID numbers in the commands facilitate organizing the information into a relational database utilizing database engine software stored in memory and executed by the processor, 0057; each show title is identified by a unique 20-bit show identification number and each show description is identified by a unique 20-bit number assigned at the head end, 0080, that means there is identification, general information is defined on page 5 of the specification as identifying the EPG data).

But fail to disclose "characterized (characterization of the source information, 0050) in that the section, which comprises interleaved"

In an analogous art, Kim et al disclose characterized interleaved (audio, video, textual data, and possibly other data are interleaved into a single stream, 0051).

In view of the teaching of Kim, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to introduce interleaved manner into the system of Schein, as taught by Kim, for the benefit of combining different files formats.

Re claim 6, Schein et al fail to disclose wherein the program records and schedule records are interleaved so that two successive ones of the program records are

separated by one or more schedule records associated with a particular one of the two successive program records.

In an analogous art, Kim et al disclose wherein the program records and schedule records are interleaved(audio, video, textual data, and possibly other data are interleaved into a single stream, 0051) so that two successive ones(in interlaced mode, a frame picture consists of two temporally-alternating field pictures each of which is scanned in a raster-scan order, 0017) of the program records are separated by one or more schedule records(There may be multiple programs in one TS, and each may have an independent time base and a separate set, 0053; associated with a particular one of the two successive program records(in interlaced mode, a frame picture consists of two temporally-alternating field pictures each of which is scanned in a raster-scan order, 0017).

In view of the teaching of Kim, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement disclose wherein the program records and schedule records are interleaved so that two successive ones of the program records are separated by one or more schedule records associated with a particular one of the two successive program records into the system of Schein. With such modification, the system will be able to combine files that are coded in different formats.

Re claim 7, Schein et al disclose a device comprising an encoder(see fig. 3, element 118, encoding and decoding logic; encoded in a digital format, 0050) for coding EPG data(an EPG System , 0048) comprising program records and schedule records in accordance with the method as claimed in claim 1.

Re claim 8, Schein et al disclose a receiving device comprising a decoder (see fig.2, element 36, and decoder) for decoding EPG data comprising program records and schedule records coded in accordance with the method as claimed in claim 1.

Re claim 9, Schein et al disclose a computer program operative to parse EPG data, wherein the data comprises respective ones of multiple program records((multitude of programs , 0003) identifying a respective one(Each show title is

identified by a unique 20-bit show identification number, 0080) of multiple programs and specific ones(selected ones of the outputs and displays the received program, 0052) of a plurality of schedule(schedule information for a particular time , 0084) records identifying one or more specific scheduled broadcast times of the respective programs(The viewer may scroll through the cells to view which television programs are being presented on various channels at various times. In addition, the viewer may select certain cells to obtain more information on the associated program or to pull up other submenus with additional options, 0006).

But Schein et al did not disclose wherein the program records and schedule records are interleaved so that two successive ones of the program records are separated by one or more schedule records associated with a particular one of the two successive program records.

In an analogous art, Kim et al disclose wherein the program records and schedule records are interleaved(audio, video, textual data, and possibly other data are interleaved into a single stream, 0051) so that two successive ones(in interlaced mode, a frame picture consists of two temporally-alternating field pictures each of which is scanned in a raster-scan order, 0017) of the program records are separated by one or more schedule records(There may be multiple programs in one TS, and each may have an independent time base and a separate set, 0053; associated with a particular one of the two successive program records(in interlaced mode, a frame picture consists of two temporally-alternating field pictures each of which is scanned in a raster-scan order, 0017).

In view of the teaching of Kim, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement disclose wherein the program records and schedule records are interleaved so that two successive ones of the program records are separated by one or more schedule records associated with a particular one of the two successive program records into the system of Schein. With such modification, the system will be able to combine files that are coded in different formats.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Carlucci et al (US. 20040244058) disclose programming content processing and management system and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST. If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reached on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jean Duclos Saintcyr
02/18/2008

/Brian T. Pendleton/
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